

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA**

**AT BECKLEY**

ZOANNE MILDRED COCHRAN,

Plaintiff,

v.

CIVIL ACTION NO. 5:20-cv-00472

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

Defendant.

**ORDER**

Pending is Plaintiff Zoanne Mildred Cochran's Complaint for Review of the Decision of the Commissioner of Social Security [Doc. 2], filed July 10, 2020. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R on July 7, 2021. Magistrate Judge Tinsley recommended that the Court deny Ms. Cochran's request to reverse the Commissioner's decision [Doc. 14], grant the Commissioner's request to affirm his decision [Doc. 15], affirm the final decision of the Commissioner, and dismiss this action from the Court's docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*") (emphasis added). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's

right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on July 21, 2021, if the PF&R was served electronically, or by July 26, 2021, if the PF&R was served by mail. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 16**], **DENIES** Ms. Cochran’s request to reverse the Commissioner’s decision [**Doc. 14**], **GRANTS** the Commissioner’s request to affirm his decision [**Doc. 15**], **AFFIRMS** the final decision of the Commissioner, **DISMISSES** the Complaint [**Doc. 2**], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTERED: August 9, 2021



*Frank W. Volk*  
Frank W. Volk

United States District Judge